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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 10/606,683      | 06/26/2003  | Nathan Raymond Hughes | AUS920020326US1     | 5305             |

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| EXAMINER |
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GAUTHIER, GERALD

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| ART UNIT | PAPER NUMBER |
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2614

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01/07/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/606,683

Applicant(s)

HUGHES ET AL.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-13 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. **Claims 1, 4 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mulvey et al. (US 7,11,248 B2) in view of Annau et al. (US 6,804,662 B1).

Regarding **claims 1, 4 and 10**, Mulvey discloses a method for alphanumeric information input (column 1, lines 6-8) comprising the steps of:

interactively ascertaining user language usage preferences (column 3, lines 25-44)

creating a user profile in response to said ascertaining step (column 4, lines 32-50).

Mulvey fails to disclose applying said user profile to modify information from said computer system.

However, Annau teaches applying said user profile to modify information from said computer system (column 14, lines 11-30); and

presenting information so modified to said user (column 14, lines 11-30).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the computer system of Mulvey using the specific patterns as taught by Annau.

This modification of the invention enables the interactive computer system to interactively ascertaining user language usage preference so that the model would immediately adapt to suit the user.

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5. **Claim(s) 2, 5 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mulvey in view of Annau and in further view of Dean et al. (US 2002/0152244 A1).

Regarding **claim(s) 2, 5 and 13**, Mulvey as applied to **claim(s) 1** above differ from **claim(s) 2** for the interactive computer system comprises a Web browser.

Hayashi discloses a computer-based system but fails to specifically disclose the interactive computer system comprises at least a Web site.

However, Dean in the same field of endeavor teaches the interactive computer system comprises at least a Web site (FIG. 1 and paragraph 0050) [The system 100 uses a wide variety of web sites of the world wide web].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the computer system of Mulvey as modified using the system as taught by Dean.

This modification of the invention enables the interactive computer system to comprise at least a Web site so that the user would restrict the edit operations to a limited number of relevant fragments, to affect global changes (Dean: paragraph 0020).

6. **Claim(s) 3, 8, 9, 11 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mulvey in view of Annau and in further view of Nemoto (US 6,584,180 B2).

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Regarding **claim(s) 3, 8, 9, 11 and 12**, Mulvey as applied to **claim(s) 1** above differ from **claim(s) 3**, in that it fails to specifically disclose the interactive computer system is a telephonic response system including voice recognition and generation functions and the ascertaining step additionally includes iteratively querying the user to determine preferred voice qualities.

However, Nemoto in the same field of endeavor teaches the interactive computer system is a telephonic response system (Automatic Voice Response 4 on FIG. 1) including voice recognition (Voice Recognition 6 on FIG. 1) and generation functions (FIG. 1 and column 7, lines 15-25); and

the ascertaining step additionally includes iteratively querying the user to determine preferred voice qualities (FIG. 2 and column 8, lines 52-66).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the computer system of Mulvey as modified using the automatic voice response system as taught by Nemoto.

This modification of the invention enables the interactive computer system is a telephonic response system including voice recognition and generation functions so that the system would reduce the number of times that the user is asked to repeat uttering information (Nemoto: column 2, lines 40-45).

***Allowable Subject Matter***

7. **Claim(s) 6 and 14** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Claim(s) 7 and 15** are dependents of **claims 6 and 14** respectively.

***Response to Arguments***

8. Applicant's arguments with respect to **claim(s) 1-15** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/  
Primary Examiner  
Art Unit 2614

GG  
January 2, 2008